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RICHARD W. WIEKING  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

united states District court for the Northern District of California,

Re: civil case no. C 07-04464-CW (PR)

On November 20, 2007 I served the defendant in this case with a copy of the complaint, summons, Notice and Acknowledgement of Receipt of summons and complaint, and Acknowledgement of Receipt of summons and complaint forms via the institutional certified legal mail. A letter and a copy of the summons, Notice and Acknowledgement of Receipt of summons and complaint, and Acknowledgement of Receipt of summons and complaint forms, as well as the original Proof of Service were sent to the court on the same date.

On February 25, 2008 I filed a Declaration for Entry of Default with the court. The original and a copy were sent to the court; my copy was never certified and returned. The court was also provided with the Proof of Service showing that the defendant was served with a copy of the Entry of Default on the same date. I was not sent a certified copy of this Proof of Service either.

At the time of the filing of the above-mentioned Entry of Default, the defendant had failed to respond, or acknowledge in any way, to Petitioner's complaint for (96) days ~ (76) days over the established response date. As of this date, June 29, 2008, I have still not received a response of any kind from the defendant, making it (221) days ~ (201) days over the (20) day response date.

This is an extraordinary amount of time for the court to allow the defendant to ignore the Petitioner's complaint, which amounts to a due process violation. The Petitioner has done everything in his power to keep this case moving forward.

I am now urging the court to rule in favor of my Motion for Entry of default, thereby allowing me to file a Motion for Judgement by Default,